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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,298	12/27/2006	Yannick Delibie	WS1.12-0026	5153
27367 7590 04/12/2010 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402				
EXAMINER				
CHOO, MUNSOON				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,298

**Applicant(s)**

DELIBIE ET AL.

**Examiner**

MUNSOON CHOO

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/2010 has been entered.

### **Information Disclosure Statement**

2. No IDS has been submitted.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claim **1-2, 10, and 13-14** rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/ 0120295) and further in view of Abdel (US 2004/0064511).

**Re claim 1**, Liu discloses: A method for access, by at least one client terminal connected to a first communication network, to the data and/or services of a server terminal connected to a second communication network,

**(Liu, fig 1b: client terminal connected to network 114, and server terminal (laptop or computer can be a server) connected to network 130)**

**(Liu, fig 3: mobile node and home agent have direct access to each other)**

Liu discloses: Wherein said first and second networks can cohabit or form a single network,

**(Fig 1B ref 142 and 144, P [28]: HA 112 and mobile node connects into gateway 104, therefore two networks can cohabit into a single network)**

Liu discloses: Wherein said server terminal is a mobile terminal,

**(fig 1A ref 120.1: laptop (mobile terminal))**

And said method includes at least the following steps:

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Liu discloses: Initialization of a communication session by the client terminal with the mobile server terminal,

**(Liu, Fig 1C, ref 114 and 130: Tunneling between two networks has communication session)**

Liu discloses: Said initialization step comprising a step of transmission by a first public proxy server of a request to initialize a communication session to a second private proxy server belonging to the second communication network in the form of an access request signal,

**(Liu, Fig 1D, 2C: Two different networks (with two different proxies) connect together. Said network (has proxy (gateway between the user and the internet/server)) can be configured as public or private (See P [22]: private/public))**

Liu discloses: Wherein said access request signal transmitted by said client terminal is of the type belonging to the group comprising at least:

**(Fig 3: Mobile node and Home Agent has access (requires access request signal) with each other)**

Liu discloses: An SMS message; and an e-mail message;

**(Liu, P [20]: In Windows 2000, it has email program; P [25]: with email server in the private network, then access (request) signal to said private network via email message is disclosed)(Note: firewall examines packet or (can be email) messages and block those that do not meet specified criteria)**

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**(Note email can be SMS message)**

**(Therefore, Liu discloses sending email message to the (email server of) private network, wherein said email message can be an access request message)**

Liu discloses: And wherein said access request signal includes a list of predetermined parameters;

**(Liu, Fig 2A, 3: Parameters such as IPSec and registration)**

Liu discloses: said client terminal can consult information made available by the mobile server terminal

**(Liu, fig 3 ref 325: Home Agent can (consult) process data in the mobile (server) node)**

Liu discloses: and/or the client terminal can use and/or interact with all or some of the services of the mobile server terminal.

**(Liu, fig 3 ref 325: Home Agent as (becomes) the mobile node to process data of said mobile node, therefore discloses HA (client terminal) interacting some or all of the services/functionality of said mobile node)**

Liu discloses: Establishment of the communication session by opening a direct communication tunnel between the client terminal and the mobile server terminal,

**(Liu, Fig 1C, ref 114 and 130: Tunneling between two networks has communication session)**

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(Liu, P [37]: The secure packet data tunnel between the HA (module) and the MN (module), therefore discloses the direct communication tunnel between the mobile server terminal (MN) and the client terminal (HA))

Liu discloses: Wherein the direct communication tunnel allows the client terminal and the mobile server terminal to communicate

(Liu, Fig 1C ref 114, 130, fig 3 ref 325, and P [37]: Client terminal and mobile (server) node can communicate with each other, acts (becomes) as each other, and there is a tunnel in between said client terminal and said mobile node)

Liu discloses: in a point-to-point mode;

(Liu, fig 3 ref 325: Home Agent becomes as (communicate with) mobile node directly (in a point-to-point mode, such as HA is one end point, and mobile node is the other end point)

Liu didn't specifically disclose:

Point-to-point tunnel between two user devices; Email message to request tunneling;

Addel discloses:

Point-to-point tunnel between two user devices;

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(Abdel, P [46]: Point-to-point pipes provide a direct link between two peers (user devices), therefore discloses a point-to-point tunnel (direct link) between two user devices)(Note: Liu, fig 1D ref 102, 142 and 144 discloses point-to-point tunnel between two devices)

Addel discloses:

Email message to request tunneling;

(Abdel, abstract: Email clients may communicate with the mail transfer agents to send email messages to and received email messages from other email clients via the peer-to-peer (point-to-point) network. Adel has disclosed direct link (tunnel) sharing between two peer devices. Therefore, Abdel discloses email clients using email message to request tunneling (direct link) sharing between each other, so that they can communicate with each other directly)

(Note: Liu discloses access request signal to access into another (private) network, wherein said access signal can invoke direct sharing (tunneling) between HA device and a mobile device, and Liu also discloses email message (see P [25]))

It would be obvious to one of ordinary skill in the art to modify Liu, and have direct link (or tunnel) communication between two peer devices and (2) email message to invoke said direct link communication as taught by Abdel, thereby will facilitate email messaging between email clients in a peer-to-peer environment (Abdel, P [2]) as discussed by Abdel.



Re claim 2, Liu discloses the method for access according to claim 1, wherein said second communication network comprises a wireless mobile communication network accessible through a security firewall.

**(Liu figure 1D, paragraph [0030]: reference 108 is the security firewall that is crossed through by the transparent internal tunnel connecting the HA module with the MN module, wherein said internal tunnel is inside of MIP proxy 102. MIP proxy 102 is the tunneling proxy for direct communication between mobile node 120 and CN 110)**

Re claim 10, Liu discloses the method for access according to claim 1, wherein said

communication tunnel established between said client terminal and said mobile server terminal includes secure data transmission means of the type using at least:  
an IPSEC protocol;

**(Liu, paragraph [0030]-[0031])**

and a communication tunnel encryption protocol.

**(Liu, paragraph [0030]-[0031]: IPSEC is a communication tunnel protocol that encrypts IP packet)**

Re claims 13-14, these claims correspond to claim 1.

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6. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/ 0120295) and Abdel (US 2004/0064511), and further in view of Spaur et al. (US 5732074 hereinafter “Spaur”).

Re claim 9 as modified by Liu, Spaur discloses the method for access according to claim 1, wherein said communication tunnel established between said client terminal and said mobile server terminal includes http-type authentication means.

**(Spaur, column 3 line 13 to line 29, column 2 line 25 to line 65)**

7. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/ 0120295) and Abdel (US 2004/0064511), and further in view of Kelton et al. (US 2004/0125779 hereinafter “Kelton”).

Re claim 7 as modified, Liu and Kelton as a whole disclose the method for access according to claim 1, wherein said list of predetermined parameters includes at least one parameter corresponding to an e-mail address of said second server terminal,

**(Kelton: paragraph [0086]: Email is disclosed, and email inherently has email address)**

when said access request signal is of the e-mail message type.

**(Kelton: paragraph [0086]: email application and web browser application are**

**network access application for accessing the internet via wide area network 44. The request sent by ht client can be e-mail message)**

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, and Kelton as a whole to produce the invention as claimed with a reasonable expectation of having e-mail address as one of the parameter used to have access to the remote site.

8. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu(US 2004/0120295) and Abdel (US 2004/0064511) as applied to claim 1 above, and further in view of Spaur and Barry Porozni (WO 2003/010669 hereinafter “Barry”).

Re claim 3 as modified by Liu, Spaur discloses the method for access according to claim 1, wherein said communication initialization step includes at least the following series of steps:

step A:

sending a first TCP (Transmission Control Protocol) request from the client terminal to a domain name server;

**(Spaur, figure 2, column 2 line 25 to 37: The computer terminal send a request (TCP/IP is in figure 2) to the internet for information or data that is available from the particular vehicle. Note that World Wide Web browser is disclosed and along with the internet, therefore DNS (translate hostnames to IP addresses) is also disclosed)**

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step E:

sending a second TCP connection request by the second private proxy server, to a predetermined communication port of the mobile server terminal;

(Spaur, figure 2, column 2 line 39 to line 42, column 10 line 65 to column 11 line 10, abstract: Reference 68 (internet) is the first proxy server for the computer terminal. Reference 76 is the second proxy server that links with the vehicle. The controller receives request through a communication port (reference 144) from reference 76) However, Spaur fails to disclose:

step B:

reception by the client terminal of a response to the first request, which contains at least one set of predetermined parameters for connection to a first public proxy server belonging to the first communication network;

(Barry figure 1: Reference 109 “Request End User Identity” is the response to the client terminal. The “Request End User Identity” has parameter that is needed for end user to connect to ISP authentication server because with it, then the ISP POP can collect the user ID and password to combine into “RADIUS message Request Access” for the ISP Authentication server)

(Barry paragraph [0031], figure 3, end user sends reference 308 (has IP address as parameter) via reference 302 (first proxy server) to the reference 303 (second proxy server))

step C:

connection of the client terminal to the first public proxy server, by means of predetermined parameters, such as the IP address and/or communication port number;

(Barry, figure 1: End user send reference 110 to ISP POP, which then sends reference 111 to reference 104. Reference 104 is considered as first public proxy server before end user can connect to reference 105 remotely. Reference 102 can also be considered as a proxy server because it contains reference 104)

(Barry, figure 3: End user sends reference 308 (has IP address as parameter) via reference 302 to the reference 303)

step D:

transmission by the first public proxy server of a request to initialise a communication session to a second private proxy server belonging to the second communication network in the form of an access request signal;

(Barry figure 1: reference 113)

step F:

transmission by the mobile server terminal of an acknowledgement of the second TCP connection request to the second private proxy server;

(Barry figure 1: reference 115)

step G:

sending a third TCP connection request by the second private proxy server to a predetermined communication port of the first public proxy server;

(Liu, figure 1A, paragraph [0024]: Foreign agent 122 is the second private proxy server that sends a request to the home agent 112 (first proxy server) for the mobile node 120.2)

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**(Note, Liu's home agent 112 can be a computer server, computer terminal or mobile terminal. In Spaur's figure 2, cellular phone reference 80 is a mobile terminal that contains direct communication port ref 144)**

step H:

transmission by the first public proxy server of an acknowledgement of the third TCP connection request to the second private proxy server;

**(Liu, figure 1A, paragraph [0024]: The home agent sends an acknowledgement back to the foreign agent)**

step I:

transmission by the first public proxy server of an acknowledgement of the first TCP connection request to the client terminal;

**(Barry figure 1: reference 118)**

so as to initiate said communication session and establish the opening of said direct communication tunnel between the client terminal and the mobile server terminal,

**(Barry figure 1: If reference 118 is granting access to end user, then end user can have direct communication access to the company xyz,**

**Attached NPL reference "Proxy server, PDF" page 2 shows that a proxy server can also be a tunneling proxy.)**

wherein said tunnel passes through said security firewall.

**(Liu figure 1D, paragraph [0030]: reference 108 is the security firewall that is crossed through by the transparent internal tunnel connecting the HA module with the MN module, wherein said internal tunnel is inside of MIP proxy 102. MIP proxy**

**102 is the tunneling proxy for direct communication between mobile node 120 and CN 110)**

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry and Liu as a whole to produce the invention as claimed with a reasonable expectation of opening up a direct communication tunnel between the client terminal and the mobile server terminal, wherein said tunnel crosses through a security firewall.

9. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/ 0120295) and Abdel (US 2004/0064511) as applied to claim 1 above, and further in view of Spaur and Kelton.

Re claim 6 as modified, Spaur, Liu and Kelton as a whole disclose the method for access according to claim 1,

wherein said list of predetermined parameters includes at least one parameter corresponding to a unique call number of the second server terminal,

**(Spaur, figure 2, figure2: Computer terminal is using IP address as the parameter to access the vehicle. Note that said vehicle includes a cellular phone, and cellular phone has its unique phone number for its identification. Although it is not disclosed that a call number is used, but IP address of the vehicle can be modified with the phone number of the cellular phone inside said vehicle)**

**(Kelton: paragraph [0059]: Identification code (telephone number) is needed for access to the public switch telephone network 66)**

when said access request signal comprises an SMS message,

and/or corresponding to the type of the communication tunnel security protocol.

**(Liu, paragraph [0030]-[0031]: internal tunnel, firewall, and IPsec protocol)**

Motivation to combine may be gleaned from the prior art contemplated.

Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, and Kelton as a whole to produce the invention as claimed with a reasonable expectation of having telephone number as one of the parameter used to have access to the remote site.

10. Claim **5 and 8** rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/ 0120295) and Abdel (US 2004/0064511) as applied to claim 1 above, and further in view of Barry and Chen et al. (US 6842456 hereinafter “Chen”).

Re claim 5 as modified, Liu, Barry and Chen as a whole disclose the method for access according to claim 1, wherein said list of predetermined parameters includes at least parameters of the type belonging to the group including at least:  
an IP address for identification of the first public proxy server at the origin of the access request signal;

**(Barry, figure 1 and 3, reference 113 and 308: IP address is disclosed, which contains IP address of end user and also gateway IP address)**



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a communication port number for additional identification of the first public proxy server at the origin of the access request signal;

**(Chen, column 5 line 48 to column 6 line 8: The source port number 34)**

and at least one key for securing the communication initialization request step.

**(Barry figure 1 and 3: Password is used as a security key to determine whether access will be granted or denied)**

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, Kelton and Chen as a whole to produce the invention as claimed with a reasonable expectation of having IP address and communication port number to identify for the first public proxy server, and to have password as the key to secure communication initialization.

Re claim 8 as modified, Liu, Barry and Chen as a whole disclose the method for access according to claim 5, wherein said security key is a negotiation and/or encryption key.

**(Barry, figure 1 and 3: Password is the security key, and negotiation is invoked when company XYZ has to determine whether to grant or deny access for the end user)**

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, Kelton and Chen as a whole to produce the invention as claimed with a reasonable expectation of having password as the security key to secure the initiation of communication.

11. Claim **12** rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/ 0120295) and Abdel (US 2004/0064511) as applied to claim **1** above, and further in view of Spaur and Haugli et al. (US 2004/0125776 hereinafter “Haugli”).

Re claim 12 as modified by Liu, Spaur and Haugli disclose the method of claim 1 and further comprising performing the steps of claim 1 in a field belonging to the group including at least:

wireless applications using Web services;

**(Spaur, column 3 line 13 to line 29, column 2 line 25 to line 65: Internet, web browser)**

on-board telemedicine applications enabling a physician to regularly access a mobile telephone serving as a mobile server terminal,

so as to access and monitor the data of a patient,

who is the owner of said mobile telephone;

**(Spaur, column 1 line 25 to line 40: Patient data can be communicated to medical personnel at a remote location)**

distributed interactive applications of the type including at least:

distributed games;

**(Haugli, paragraph [0094]: Game packs)**

on-board collaborative work applications on communicating mobile terminals.

**(Spaur, column 1 line 25 to line 40: Patient data can be communicated to medical personnel at a remote location, such as hospital. Is considered as collaborative work**

**applications because there could be multiple people (doctors and nurses) to prepare for the arrival of the patient)**

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur and Haugli as a whole to produce the invention as claimed with a reasonable expectation of adding game packs into the computer terminal.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUNSOON CHOO whose telephone number is (571)270-7140, fax number is (571)-270-8140 and email is munsoon.choo@uspto.gov. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Munsoon Choo/

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